


# COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	<b>25-058</b>	Meeting:	<b>February 10, 2025</b>
	Agenda Item:	<b>48</b>	Roll Call:	<b>25-0230</b>
	Submitted by:	<b>Cody Christensen, Development Services Director</b>		

## AGENDA HEADING:

Review of Zoning Board of Adjustment decision conditionally granting a Use Variance to allow use of the property at 414 61st Street for a “Business, Office” use within an “F” Flood District.

## SYNOPSIS:

Staff recommends that the Council decline to remand the decision conditionally granting a Use Variance to allow re-use of a vacant 4,868-square foot building for a “Business, Office” use within an “F” Flood District, on property at 414 61st Street owned by 414 61st Street, LLC, represented by Daniel Doyle.

## FISCAL IMPACT: NONE

## ADDITIONAL INFORMATION:

- On November 21, 2024, the Plan & Zoning Commission recommended denial of request to rezone the property from “RX1” Mixed-Use District to “F” Flood District.
- On December 23, 2024, the City Council, by Roll Call No. 24-1747, denied the request to amend PlanDSM to revise the Future Land Use Designation and to rezone the property from “RX1” Mixed-Use District to “F” Mixed-Use District. Therefore, the applicant is eligible to seek a Use Variance.
- On January 22, 2025, the Board of Adjustment conditionally granted a Use Variance to allow re-use of a vacant 4,868-square foot building for a “Business, Office” use within a “F” Flood District.
- The Board of Adjustment’s Decision & Order includes multiple conditions to ensure that the impacts of any “Business, Office” use within the “F” Flood District are minimal.
- The subject property is a 1.16-acre parcel located on the west side of 61st Street to the north side of Grand Avenue. The subject property includes a 4,868-square foot building and a parking lot. It is located within the Waterbury Neighborhood and within 250 feet of the Westwood Neighborhood.
- The subject property is zoned “F” Flood District since it is within the Federal Emergency Management Agency (FEMA)-designated floodplain along Walnut Creek.

- The property is owned by 414 61st Street, LLC, represented by Daniel Doyle (601 Forest Avenue, Des Moines, IA 50314).
- Pursuant to City of Des Moines Chapter 134: Zoning Ordinance Code Section 134-6.7.8.D, the City Council shall review the Board's decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council's action (February 10, 2025).

**PREVIOUS COUNCIL ACTION(S):**

Date: December 23, 2024

Roll Call Number: [24-1747](#)

Action: [On](#) request from 414 61st Street, LLC (Daniel Doyle, Officer) for property located in the vicinity of 414 61st Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Parks and Open Space and Development Control to Community Mixed Use and to rezone the property from "F" Flood District to "RX1" Mixed Use District, to allow reuse of an existing building as an office. Moved by Mandelbaum to DENY the proposed rezoning. Second by Gatto. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Board of Adjustment

Date: January 22, 2025

Resolution Number: ZBOA-2024-000079

Action: Voted 7-0 to conditionally grant a Use Variance to allow re-use of a vacant 4,868-square foot building for a "Business, Office" use within a "F" Flood District.

Board: Plan & Zoning Commission

Date: November 21, 2024

Resolution Number: ZONG-2024-000039

Action: Voted 12-0 to recommend denial of request to rezone the property from "F" Flood District to "RX1" Mixed-Use District.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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